



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Pruitt at 9:00 a.m. A quorum present—37:

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Excused: Senators Dawson and Wilson

PRAYER

The following prayer was offered by Senator Constantine:

Thank you, Lord, for being Father to all of us, and for the many blessings that you give us as a people and as a great nation.

In the Book of Isaiah, you gave us the directive, "Come, let us reason together." We are thankful for the opportunity to be here today to do just that.

We ask your special blessings on those gathered here and we understand that with your blessings comes responsibility. We ask for wisdom, tolerance, compassion and justice in carrying out our responsibilities.

Lord, please direct and guide us as we respond to the needs of the people of Florida.

Permit those of us who have been given the trust of the people to "Let true justice prevail so that we may live and occupy the land that the Lord our God has given us."

Under your guidance, Lord, may we be good and faithful servants.

Dominus Vobiscum (The Lord be with you). Amen.

PLEDGE

Carlton Elaine Robinson, daughter of President Pro Tempore Lisa Carlton, led the Senate in the pledge of allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Lawson—

By Senator Lawson—

SR 14-B—A resolution recognizing members of the Department of Corrections on winning recent national and regional honors.

WHEREAS, two teams of Department of Corrections' officers won recent national and regional acclaim, and

WHEREAS, the National Corrections & Law Enforcement Training & Technology Center Skills Competition was held in Moundsville, West Virginia, May 10 to 11, 2007, and

WHEREAS, first place overall in the skills competition was awarded to the Gulf Correctional Institution's Corrections Emergency Response Team, including Lieutenant Michael Mashburn, Sergeant Trampus Gray, Sergeant David Swain, Sergeant Kevin Romer, Officer Kenneth Stephens, Officer Jeremy Cross, Officer Michael Pabis, and Officer Joseph Mastro, and

WHEREAS, Lieutenant Michael Mashburn also took fourth place individual honors in the Super S.W.A.T. Competition, and

WHEREAS, the Gulf Correctional Institution's Corrections Emergency Response Team was the least penalized team in all events, employing the motto, "We will not lower our standards to raise yours," and

WHEREAS, canine teams from five states competed for top honors during the 2007 Southern States Manhunt Field Trials, which were hosted by the Arkansas Department of Corrections and took place March 12 to 16, 2007, at Camp Robinson National Guard Post in North Little Rock, and

WHEREAS, there were 31 canine teams from Florida, Arkansas, Louisiana, Mississippi, and Missouri which competed for top honors at this competition, and

WHEREAS, Sergeant Burley Townson and Correctional Officer Jamie Sanders, along with their beagles from Century Correctional Institution, won first place in the Multiple Leash Competition, and

WHEREAS, the two teams demonstrated award-winning skills and commitment to their respective missions of seeking positive resolution of crisis events, participating in narcotics searches and contraband interddictions, and assisting local law enforcement agencies, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Senate salutes the Gulf Correctional Institution's Corrections Emergency Response Team for their team and individual awards in various skills competitions, and the canine unit from Century Correctional Institution for their award in the Multiple Leash Competition.

—**SR 14-B** was introduced, read and adopted by publication.

At the request of Senator Crist—

By Senator Crist—

SR 16-B—A resolution expressing support for the creation of the "Officer Down" Law Enforcement Memorial Sculpture to be placed at the existing memorial site between the old and new Capitols.

WHEREAS, the current Law Enforcement Memorial between the old and new Capitols honors and recognizes those officers who have paid the ultimate price in protecting Florida's residents and upholding state law, and

WHEREAS, the Law Enforcement Memorial would be enhanced by having a figurative bronze sculpture representing the potential sacrifice Florida's Law Enforcement Officers face every day, and

WHEREAS, private funds are currently being raised to provide for the creation of a sculpture entitled "Officer Down," and

WHEREAS, the Department of Management Services is requested to coordinate with the Florida Paraplegic Association, Inc., in the completion of the sculpture, and

WHEREAS, the "Officer Down" sculpture will continue to bring honor and recognition to Florida's fallen Law Enforcement Officers, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Law Enforcement Memorial be enhanced by the addition of a figurative bronze sculpture in recognition of Florida's fallen Law Enforcement Officers.

—**SR 16-B** was introduced, read and adopted by publication.

SPECIAL ORDER CALENDAR

SJR 4-B—A joint resolution proposing amendments to Sections 3, 4, 6, and 9 of Article VII and the creation of Section 27 of Article XII of the State Constitution to authorize an exemption from ad valorem taxation for tangible personal property, revise the limitation in the difference between the just value and the assessed value for homestead property, provide for assessing rent-restricted affordable housing and commercial and public-access waterfront property by general law, increase the homestead exemption, require the Legislature to limit county, municipality, and special district authority to increase ad valorem taxes, provide for transitional assessments of homestead property, and provide an effective date.

—was read the second time by title.

Senator Hill moved the following amendment which failed:

Amendment 1 (602642)(with title amendment)—On page 3, line 28 through page 6, line 11, delete those lines and insert:

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(c) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided herein.

(1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

- a. Three percent (3%) of the assessment for the prior year.
- b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, *unless the provisions of paragraph (8) apply*. Thereafter, the homestead shall be assessed as provided herein.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, *unless the provisions of paragraph (8) apply*. That assessment shall only change as provided herein.

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(8) *When a person sells or transfers his or her homestead property within this state or ceases to maintain his or her permanent residence on that property and within two years establishes another property as his or her new homestead, the newly established homestead property shall be initially assessed at less than just value, as provided by general law. The difference between the new homestead property's just value and its assessed value in the first year the homestead is established may not exceed the lesser of five hundred thousand dollars or the difference between the previous homestead's just value and its assessed value in the year it was sold or transferred or ceased to be its owner's permanent residence. In addition, to be assessed as provided in this paragraph, the assessed value of the new homestead must equal or exceed the assessed value of the previous homestead. The assessed value of the homestead shall increase by 10 percent each year until it equals the just value of the homestead in the first year it was established, adjusted each year following establishment of the homestead as provided in paragraph (1) of this subsection. Thereafter, the assessed value of the homestead shall not be adjusted except as provided in paragraph (1) of this subsection.*

(d) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(e) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

And the title is amended as follows:

On page 1, delete line 7 and insert: property, authorize the portability of the limitation in the

Senator Saunders moved the following amendment which failed:

Amendment 2 (695508)(with title amendment)—On page 6, line 17 through page 12, line 14, delete those lines and insert:

(g) *Marinas, boatyards, boat ramps, commercial fishing facilities, and similar facilities classified as recreational and commercial working*

waterfronts pursuant to general law and open to the public on a first-come, first-served basis shall be classified by general law and assessed solely on the basis of an income approach to value and using a capitalization rate of no less than ten percent.

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation ~~thereon~~, except assessments for special benefits, ~~on seventy-five percent of up to the just assessed valuation of such property up to two hundred and fifty thousand dollars and on fifteen percent of the just valuation of such property above two hundred thousand dollars up to five hundred thousand dollars~~, upon establishment of right thereto in the manner prescribed by law. ~~The five hundred thousand dollar threshold shall be adjusted each year by the percentage change in per capita personal income, as defined by general law, for the previous year, and may be increased by general law enacted by an affirmative vote of at least two-thirds of the membership of each house of the legislature. The exemption shall not be less than fifty thousand dollars but, for low-income seniors who meet the eligibility criteria under subsection (d), the exemption shall not be less than one hundred thousand dollars.~~ The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. ~~The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.~~

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

~~(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).~~

~~(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.~~

(c)(e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d)(f) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding fifty thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e)(g) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

SECTION 9. Local taxes.—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

(c) By general law, the legislature shall limit the authority of counties, municipalities, and special districts to increase ad valorem taxes.

ARTICLE XII SCHEDULE

SECTION 27. *Transitional assessments of homestead property; effective date.—*

(a) Each person entitled to a homestead exemption under Section 6 of Article VII on January 1, 2008, shall continue to have the person's current homestead assessed under Section 4(c) of Article VII so long as, on January 1 of each year, the sum of the exemption the person would have received under Section 6(a)-(d) of Article VII, as it existed on December 31, 2007, plus the difference between the homestead's just value and its assessed value determined pursuant to Section 4(c) of Article VII is greater than the exemption provided by Section 6(a) of Article VII. After the exemption provided in Section 6(a) of Article VII exceeds such sum in any year, the homestead may not be assessed under Section 4(c) of Article VII.

(b) The exemption provided in Section 6(a) of Article VII to each person entitled to have the person's homestead assessed under Section 4(c) of Article VII pursuant to subsection (a) shall be limited to the exemption the person would have been entitled to under Section 6(a)-(d) of Article VII as it existed on December 31, 2007.

(c) The amendments to Sections 3, 4, 6, and 9 of Article VII, providing an exemption from ad valorem taxation for tangible personal property, revising provisions limiting an increase in the assessed value of homestead property, providing for assessing rent-restricted affordable housing and recreational and commercial working waterfront property pursuant

to general law, increasing the homestead exemption by providing a schedule for determining the exemption based on a percentage of the property's just value, and requiring the legislature to limit the authority of counties, municipalities, and special districts to increase ad valorem taxes, and this section, providing for transitional assessments of homestead property, shall take effect upon approval by the electors and shall operate retroactively to January 1, 2008.

== BALLOT STATEMENT AMENDMENT ==

On page 13, lines 13-15, delete those lines and insert:

housing property and recreational and commercial working waterfront property at less than just value; and to schedule the amendments
And the title is amended as follows:

On page 1, delete line 11 and insert:

housing and recreational and commercial working

Senator Deutch moved the following amendment which failed:

Amendment 3 (845144)—On page 7, lines 11-13, delete those lines and insert: *year. The exemption shall not be less*

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendments to be considered:

Senator Webster moved the following amendments which were adopted:

Amendment 4 (605710)—On page 12, line 13 through page 13, line 17, delete those lines and insert: *if submitted to the electors of this state for approval or rejection at a special election authorized by law to be held on January 29, 2008, shall take effect upon approval by the electors and shall operate retroactively to January 1, 2008, or, if submitted to the electors of this state for approval or rejection at the next general election, shall take effect January 1 of the year following such general election.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTIONS 3, 4, 6, AND 9;
ARTICLE XII, SECTION 27

AD VALOREM PROPERTY TAXATION: ASSESSMENTS, EXEMPTIONS, LIMITATIONS, AND HOMESTEADS.—Proposing amendments to the State Constitution to increase the homestead exemption from \$25,000 to 75 percent of the just value of the property up to \$200,000 and 15 percent of the just value of the property above \$200,000 up to \$500,000, to subject the \$500,000 threshold to annual adjustments based on the percentage change in per capita personal income, to authorize an increase in the \$500,000 threshold amount by a two-thirds vote of the Legislature, and to specify minimum homestead exemption amounts of \$50,000 for everyone except low-income seniors and \$100,000 for low-income seniors; to provide for transitional assessments of homestead property under the increased homestead exemption that include preserving application of Save-Our-Homes provisions when those provisions provide a benefit that is greater than the increased homestead exemption; to revise Save-Our-Homes provisions to conform to provisions providing for the increased homestead exemption and transitional assessments of homestead property; to require the Legislature to limit the authority of counties, municipalities, and special districts to increase ad valorem taxes; to authorize an exemption from ad valorem taxes of no less than \$25,000 of assessed value of tangible personal property; to provide for assessing rent-restricted affordable housing property and waterfront property used for commercial fishing, commercial water-dependent activities, and public access at less than just value; and to schedule the amendments to take effect upon approval by the voters and operate retroactively to January 1, 2008, if approved in a special election held on January 29, 2008, or shall take effect January 1, 2009, if approved in the general election held in November of 2008.

Amendment 5 (363994)—On page 11, line 10 through page 13, line 5, delete those lines and insert:

SECTION 27. *Transitional assessments of homestead property; effective date.*—

(a) *Each person entitled to a homestead exemption under Section 6 of Article VII on the effective date of this amendment shall continue to have the person's current homestead assessed under Section 4(c) of Article VII until the person makes an irrevocable election to no longer have the person's homestead assessed under Section 4(c) of Article VII. After the irrevocable election is made, the homestead may not be assessed under Section 4(c) of Article VII. By general law and subject to conditions specified therein, the Legislature shall provide procedures for persons to make the election.*

(b) *The exemption provided in Section 6(a) of Article VII to each person entitled to have the person's homestead assessed under Section 4(c) of Article VII pursuant to subsection (a) shall be limited to the exemption the person would have been entitled to under Section 6(a)-(d) of Article VII as it existed on the day before the effective date of this amendment.*

(c) *The amendments to Sections 3, 4, 6, and 9 of Article VII, providing an exemption from ad valorem taxation for tangible personal property, revising provisions limiting an increase in the assessed value of homestead property, providing for assessing rent-restricted affordable housing and commercial and public-access waterfront property pursuant to general law, increasing the homestead exemption by providing a schedule for determining the exemption based on a percentage of the property's just value, and requiring the legislature to limit the authority of counties, municipalities, and special districts to increase ad valorem taxes, and this section, providing for transitional assessments of homestead property, shall take effect upon approval by the electors and shall operate retroactively to January 1, 2008, if approved by the electors on January 29, 2008, or, if approved at the next general election, shall take effect January 1, 2009.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTIONS 3, 4, 6, AND 9;
ARTICLE XII, SECTION 27

AD VALOREM PROPERTY TAXATION: ASSESSMENTS, EXEMPTIONS, LIMITATIONS, AND HOMESTEADS.—Proposing amendments to the State Constitution to increase the homestead exemption from \$25,000 to 75 percent of the just value of the property up to \$200,000 and 15 percent of the just value of the property above \$200,000 up to \$500,000, to subject the \$500,000 threshold to annual adjustments based on the percentage change in per capita personal income, to authorize an increase in the \$500,000 threshold amount by a two-thirds vote of the Legislature, and to specify minimum homestead exemption amounts of \$50,000 for everyone except low-income seniors and \$100,000 for low-income seniors; to provide for transitional assessments of homestead property under the increased homestead exemption that include preserving application of Save-Our-Homes provisions until an irrevocable election is made; to revise Save-Our-Homes provisions to conform to

SENATOR CARLTON PRESIDING

THE PRESIDENT PRESIDING

MOTION TO RECONSIDER AMENDMENT

Senator Hill moved that the Senate reconsider the vote by which **Amendment 1 (602642)** failed. The motion failed. The vote was:

Yeas—12

Aronberg	Hill	Margolis
Bullard	Joyner	Rich
Deutch	Justice	Ring
Geller	Lawson	Siplin

Nays—25

Mr. President	Baker	Constantine
Alexander	Bennett	Crist
Atwater	Carlton	Diaz de la Portilla

Dockery	King	Storms
Fasano	Lynn	Villalobos
Gaetz	Oelrich	Webster
Garcia	Peaden	Wise
Haridopolos	Posey	
Jones	Saunders	

MOTION

On motion by Senator King, the rules were waived and time of recess was extended until completion of **SJR 4-B**.

On motion by Senator Haridopolos, by two-thirds vote **SJR 4-B** as amended was read the third time in full as follows:

SJR 4-B—A joint resolution proposing amendments to Sections 3, 4, 6, and 9 of Article VII and the creation of Section 27 of Article XII of the State Constitution to authorize an exemption from ad valorem taxation for tangible personal property, revise the limitation in the difference between the just value and the assessed value for homestead property, provide for assessing rent-restricted affordable housing and commercial and public-access waterfront property by general law, increase the homestead exemption, require the Legislature to limit county, municipality, and special district authority to increase ad valorem taxes, provide for transitional assessments of homestead property, and provide an effective date.

Be It Resolved by the Legislature of the State of Florida:

That the following amendments to Sections 3, 4, 6, and 9 of Article VII and the creation of Section 27 of Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) By general law and subject to conditions specified therein, there may be granted an ad valorem tax exemption to a renewable energy source device and to real property on which such device is installed and

operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

(e) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(f) *By general law and subject to conditions specified therein, not less than twenty-five thousand dollars of the assessed value of property subject to tangible personal property tax may be exempt from ad valorem taxation.*

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(c) All persons entitled to a homestead exemption under Section 6 of this Article *who are entitled to have their homestead assessed under this subsection pursuant to Section 27 of Article XII shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided herein.*

(1) Assessments subject to this provision shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year. ~~Thereafter, the homestead shall be assessed as provided herein.~~

~~(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead. That assessment shall only change as provided herein.~~

~~(4)(5)~~ Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided herein.

~~(5)(6)~~ In the event of a termination of homestead status, the property shall be assessed *at just value as of January 1 of the following year as provided by general law.*

~~(6)(7)~~ The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(d) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment

shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(e) A county may, in the manner prescribed by general law, provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

(f) *As defined by general law, real property that is used to provide affordable housing and is subject to rent restrictions imposed by a governmental agency may be assessed as provided by general law, subject to conditions or limitations specified therein.*

(g) *As defined by general law, land that is used exclusively for commercial fishing purposes or that is open to the public and used predominantly for commercial water-dependent activities or for public access to waters that are navigable may be assessed as provided by general law, subject to conditions or limitations specified therein. For purposes of this paragraph, the term "water-dependent activity" means any activity that can be conducted only on, in, over, or adjacent to waters that are navigable and that requires direct access to water and involves the use of water as an integral part of such activity.*

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation ~~thereon~~, except assessments for special benefits, *on seventy-five percent of up to the just assessed valuation of such property up to two hundred of five thousand dollars and on fifteen percent of the just valuation of such property above two hundred thousand dollars up to five hundred thousand dollars*, upon establishment of right thereto in the manner prescribed by law. *The five hundred thousand dollar threshold shall be adjusted each year by the percentage change in per capita personal income, as defined by general law, for the previous year, and may be increased by general law enacted by an affirmative vote of at least two-thirds of the membership of each house of the legislature. The exemption shall not be less than fifty thousand dollars but, for low-income seniors who meet the eligibility criteria under subsection (d), the exemption shall not be less than one hundred thousand dollars.* The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. *The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.*

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

~~(c) By general law and subject to conditions specified therein, the exemption shall be increased to a total of twenty-five thousand dollars of the assessed value of the real estate for each school district levy. By general law and subject to conditions specified therein, the exemption for all other levies may be increased up to an amount not exceeding ten thousand dollars of the assessed value of the real estate if the owner has attained age sixty-five or is totally and permanently disabled and if the owner is not entitled to the exemption provided in subsection (d).~~

~~(d) By general law and subject to conditions specified therein, the exemption shall be increased to a total of the following amounts of assessed value of real estate for each levy other than those of school districts: fifteen thousand dollars with respect to 1980 assessments; twenty thousand dollars with respect to 1981 assessments; twenty-five thousand dollars with respect to assessments for 1982 and each year thereafter. However, such increase shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This subsection shall stand repealed on the effective date of any amendment to section 4 which provides for the assessment of homestead property at a specified percentage of its just value.~~

(c)(e) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d)(f) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant an additional homestead tax exemption not exceeding fifty thousand dollars to any person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner and who has attained age sixty-five and whose household income, as defined by general law, does not exceed twenty thousand dollars. The general law must allow counties and municipalities to grant this additional exemption, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e)(g) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related, the veteran was a resident of this state at the time of entering the military service of the United States, and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, proof of residency at the time of entering military service, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related, and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection shall take effect December 7, 2006, is self-executing, and does not require implementing legislation.

SECTION 9. Local taxes.—

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes and may be authorized by general law to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by law approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the limits fixed for municipal purposes.

(c) *By general law, the legislature shall limit the authority of counties, municipalities, and special districts to increase ad valorem taxes.*

ARTICLE XII
SCHEDULE

SECTION 27. *Transitional assessments of homestead property; effective date.—*

(a) *Each person entitled to a homestead exemption under Section 6 of Article VII on the effective date of this amendment shall continue to have the person's current homestead assessed under Section 4(c) of Article VII until the person makes an irrevocable election to no longer have the person's homestead assessed under Section 4(c) of Article VII. After the irrevocable election is made, the homestead may not be assessed under Section 4(c) of Article VII. By general law and subject to conditions specified therein, the Legislature shall provide procedures for persons to make the election.*

(b) *The exemption provided in Section 6(a) of Article VII to each person entitled to have the person's homestead assessed under Section 4(c) of Article VII pursuant to subsection (a) shall be limited to the exemption the person would have been entitled to under Section 6(a)-(d) of Article VII as it existed on the day before the effective date of this amendment.*

(c) *The amendments to Sections 3, 4, 6, and 9 of Article VII, providing an exemption from ad valorem taxation for tangible personal property, revising provisions limiting an increase in the assessed value of homestead property, providing for assessing rent-restricted affordable housing and commercial and public-access waterfront property pursuant to general law, increasing the homestead exemption by providing a schedule for determining the exemption based on a percentage of the property's just value, and requiring the legislature to limit the authority of counties, municipalities, and special districts to increase ad valorem taxes, and this section, providing for transitional assessments of homestead property, if submitted to the electors of this state for approval or rejection at a special election authorized by law to be held on January 29, 2008, shall take effect upon approval by the electors and shall operate retroactively to January 1, 2008, or, if submitted to the electors of this state for approval or rejection at the next general election, shall take effect January 1 of the year following such general election.*

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTIONS 3, 4, 6, AND 9;
ARTICLE XII, SECTION 27

AD VALOREM PROPERTY TAXATION: ASSESSMENTS, EXEMPTIONS, LIMITATIONS, AND HOMESTEADS.—Proposing amendments to the State Constitution to increase the homestead exemption from \$25,000 to 75 percent of the just value of the property up to \$200,000 and 15 percent of the just value of the property above \$200,000 up to \$500,000, to subject the \$500,000 threshold to annual adjustments based on the percentage change in per capita personal income, to authorize an increase in the \$500,000 threshold amount by a two-thirds vote of the Legislature, and to specify minimum homestead exemption amounts of \$50,000 for everyone except low-income seniors and \$100,000 for low-income seniors; to provide for transitional assessments of homestead property under the increased homestead exemption that include preserving application of Save-Our-Homes provisions until an irrevocable election is made; to revise Save-Our-Homes provisions to conform to provisions providing for the increased homestead exemption and transitional assessments of homestead property; to require the Legislature to limit the authority of counties, municipalities, and special districts to increase ad valorem taxes; to authorize an exemption from ad valorem taxes of no less than \$25,000 of assessed value of tangible personal property; to provide for assessing rent-restricted affordable housing property and waterfront property used for commercial fishing, commercial water-dependent activities, and public access at less than just value; and to schedule the amendments to take effect upon approval by the voters and operate retroactively to January 1, 2008, if approved in a special election held on January 29, 2008, or shall take effect January 1, 2009, if approved in the general election held in November of 2008.

—and **SJR 4-B** as amended passed by the required constitutional three-fifths vote of the membership, and was certified to the House. The vote on passage was:

Yeas—25

Mr. President	Dockery	Peaden
Alexander	Fasano	Posey
Atwater	Gaetz	Saunders
Baker	Garcia	Storms
Bennett	Haridopolos	Villalobos
Carlton	Jones	Webster
Constantine	King	Wise
Crist	Lynn	
Diaz de la Portilla	Oelrich	

Nays—12

Aronberg	Hill	Margolis
Bullard	Joyner	Rich
Deutch	Justice	Ring
Geller	Lawson	Siplin

RECESS

On motion by Senator King, the Senate recessed at 12:28 p.m. to reconvene at 1:30 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—37:

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

SPECIAL ORDER CALENDAR, continued

SB 2-B—A bill to be entitled An act relating to ad valorem taxation; amending s. 200.001, F.S.; providing definitions for purposes of provisions governing the fixing of millage rates; amending s. 200.065, F.S.; revising the method for computing the rolled-back rate; providing that the rolled-back rate excludes the amount paid or applied as a consequence of an obligation measured by the dedicated increment value; requiring that the property appraiser provide instructions to the taxing authorities for computing the maximum millage rate; revising the method of calculating the maximum millage rate beginning in the 2009-2010 fiscal year; providing for higher millage rates if adopted by certain required votes of the governing body of the taxing authority or approved by referendum; providing certain exceptions to the limitations on millage rates; providing that a county or municipality is subject to forfeiture of the distribution of the local government half-cent sales tax revenues for 12 months if it or its municipal service taxing units or dependent special districts do not comply with provisions limiting maximum millage rates; requiring the tax collector to hold revenues in escrow during the pendency of any procedure to correct a millage rate or any administrative or judicial challenge to such forfeiture; specifying procedures that a county or municipality, special district dependent thereto, or municipal service taxing unit must follow if it fails to remedy such noncompliance; requiring that the taxing authority repeat its hearing and notice process with respect to preparing a budget and setting millage rates; amending s. 200.068, F.S.; requiring each taxing authority to include calculations upon which maximum millage rates are based in the certification of value; amending s. 218.63, F.S.; prohibiting a county or municipality that levies taxes in excess of the maximum aggregate taxes permitted by law from participating in the distribution of local government half-cent sales tax revenues; amending ss. 193.1142, 194.037, and 1011.71, F.S., relating to approval of the assessment rolls, disclosure of tax impact, and school district taxes; conforming cross-references; creating s. 200.185, F.S.; providing definitions; specifying the

maximum millage rates that a county, municipal service taxing unit, municipality, dependent district, or independent district may levy for the 2007-2008 fiscal year based on per capita growth in ad valorem taxes; requiring the Department of Revenue to calculate, in consultation with the Revenue Estimating Conference, and publish the annual growth rate in per capita ad valorem taxes for each taxing authority; providing certain exceptions to the limitations on maximum millage rates; authorizing the Department of Revenue to adopt emergency rules; authorizing the executive director of the Department of Revenue to extend the time specified in law or rule for a local government to adopt its millage rate and budget for the 2007 calendar year; providing an optional method by which a county or municipality may determine fiscal hardship for purposes of a reduction or waiver of processing fees and may be eligible for a road assistance program; repealing s. 3, ch. 2006-311, Laws of Florida, relating to provisions requiring the Department of Revenue to conduct a study of the state's property tax structure and analyze the current homestead exemptions and homestead assessment limitations; amending ss. 193.155 and 193.1551, F.S.; revising the method of calculating homestead assessments pursuant to amendments to the State Constitution; limiting the continued applicability of certain assessment criteria provided under the State Constitution; providing that a change, addition, or improvement to homestead property or the destruction or removal of homestead property may limit the continued applicability of certain assessment criteria; amending s. 196.031, F.S.; revising the exemption from taxation provided for homesteads; specifying the amount of the exemption based on just value; providing that a owner of property is entitled to an alternative exemption under certain circumstances; deleting certain obsolete provisions; deleting a requirement that each property appraiser compile a list of properties removed from the assessment roll of the school district as a result of exempt value; amending s. 196.002, F.S.; revising certain reporting requirements for the property appraiser in order to conform to changes made by the act; amending s. 197.252, F.S., relating to the homestead tax deferral; conforming provisions to changes made by the act; creating s. 196.183, F.S.; exempting each tangible personal property tax return from a specified amount of assessed value; limiting a single business operation within a county to one exemption; providing a procedure for waiving the requirement to file an annual tangible personal property tax return if the taxpayer is entitled to the exemption; requiring the Department of Revenue to prescribe a form; providing penalties for failure to file a return as required or to claim more exemptions than allowed; providing that the exemption does not apply to mobile homes; amending s. 193.017, F.S.; revising provisions providing for the assessment of property receiving the low-income housing tax credit; providing for the assessment of structural improvements on land owned by a community land trust and used to provide affordable housing; defining the term "community land trust"; providing for the conveyance of structural improvements, subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement; creating s. 193.803, F.S.; providing for the assessment of rental property used for workforce housing or affordable housing; authorizing a property owner to appeal a denial of eligibility to the value adjustment board; requiring that a property owner file an application for such classification with the property appraiser or file a petition with the value adjustment board; providing a fee for filing a petition; providing for reapplication to be made on a short form provided by the Department of Revenue; defining the term "extenuating circumstances" for purposes of granting a classification for January 1, 2008; specifying the types of property that are eligible to be classified as workforce rental housing or affordable rental housing; requiring that property be removed from such classification if its use or program eligibility changes; providing the methodologies for assessing workforce rental housing and affordable rental housing; requiring that the property owner annually provide a rent roll and income and expense statement to the property appraiser for the preceding year; authorizing the property appraiser to base the assessment on the best available information if the property owner fails to provide the rent roll and statement; providing for a tax lien to be filed against property that is misclassified as workforce rental housing or affordable rental housing within a specified period; amending ss. 196.1978, 192.0105, 193.052, 193.461, 194.011, 195.073, and 195.096, F.S., relating to the affordable housing property exemption, taxpayer rights, the preparation and serving of returns, assessments involving agricultural lands, assessment notices and objections, the classification of property, and the review of assessment rolls; conforming provisions to changes made by the act; creating s. 200.186, F.S.; specifying a formula for counties, municipalities, municipal service taxing units, dependent districts, and independent districts to determine a maximum millage rate for the 2008-2009

fiscal year; providing that a taxing authority in violation of such provision forfeits its local government half-cent sales tax revenues; providing certain exceptions to the limitations on millage rates; providing that certain provisions of the act apply retroactively; providing for construction of the act in pari materia with laws enacted during the 2007 Regular Session or any 2007 special session of the Legislature; providing effective dates, one of which is contingent.

—was read the second time by title.

Senators Margolis, Deutch, Atwater, Rich and Bullard offered the following amendment which was moved by Senator Margolis:

Amendment 1 (053228)(with title amendment)—On page 12, line 12 through page 13, line 21, delete those lines and insert:

(5) *Beginning in the 2009-2010 fiscal year and in each year thereafter:*

(a) *The maximum millage rate that a county; a municipality; a special district dependent to a county or municipality, other than a dependent fire or library district, which would be treated as if it were an independent special district; a municipal service taxing unit; or an independent special district may levy is a rolled-back rate based on the amount of taxes which would have been levied in the prior year if the maximum millage rate had been applied, adjusted for growth in per capita Florida personal income, unless a higher rate is adopted, in which case the maximum is the adopted rate. The maximum millage rate applicable to a county authorized to levy a county public hospital surtax under s. 212.055 shall exclude the revenues required to be contributed to the county public general hospital for the purposes of making the maximum millage rate calculation, but shall be added back to the maximum millage rate allowed after the roll back has been applied. A higher rate may be adopted only under the following conditions:*

1. *A rate of not more than 110 percent of the rolled-back rate based on the previous year's maximum millage rate, adjusted for growth in per capita Florida personal income, may be adopted if approved by a two-thirds vote of the governing body of the county, municipality, or independent district; or*

2. *A rate in excess of 110 percent may be adopted if approved by a unanimous vote of the governing body of the county, municipality, or independent district or if the rate is approved by a referendum.*

(b) *The millage rate of a county or municipality, municipal service taxing unit of that county, and any special district dependent to that county or municipality may exceed the maximum millage rate calculated pursuant to this subsection if the total county ad valorem taxes levied or total municipal ad valorem taxes levied do not exceed the maximum total county ad valorem taxes levied or maximum total municipal ad valorem taxes levied respectively. Voted millage and taxes levied by a municipality or independent special district that has levied ad valorem taxes for less than 5 years are not subject to this limitation. Total taxes levied may exceed the maximum calculated pursuant to subsection (6) as a result of an increase in taxable value above that certified in subsection (1) if such increase is less than the percentage amounts contained in subsection (6); however, if such increase in taxable value exceeds the percentage amounts contained in this subsection, millage rates subject to subsection (6), s. 200.185, or s. 200.186 must be reduced so that total taxes levied do not exceed the maximum.*

Any unit of government operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, which is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities and which exercises such powers in the unincorporated area shall be recognized as a municipality under this subsection.

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: providing an exception for calculating the rolled-back rate for certain counties; recognizing that certain governmental units are municipalities;

Senator Geller moved the following amendment to **Amendment 1**:

Amendment 1A (803812)—On page 1, line 30 through page 2, line 17, delete those lines and insert: *rate is adopted by a two-thirds vote of*

the governing body of the taxing authority, in which case the maximum is the adopted rate. The maximum millage rate applicable to a county authorized to levy a county public hospital surtax under s. 212.055 shall exclude the revenues required to be contributed to the county public general hospital for the purposes of making the maximum millage rate calculation, but shall be added back to the maximum millage rate allowed after the roll back has been applied.

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following substitute amendment which was adopted:

Amendment 2 (263974)(with title amendment)—On page 12, line 11 through page 13, line 21, delete those lines and insert:

(5) *Beginning in the 2009-2010 fiscal year and in each year thereafter:*

(a) *The maximum millage rate that a county, municipality, special district dependent to a county or municipality, municipal service taxing unit, or independent special district may levy is a rolled-back rate based on the amount of taxes which would have been levied in the prior year if the maximum millage rate had been applied, adjusted for growth in per capita Florida personal income, unless a higher rate is adopted, in which case the maximum is the adopted rate. The maximum millage rate applicable to a county authorized to levy a county public hospital surtax under s. 212.055 shall exclude the revenues required to be contributed to the county public general hospital for the purposes of making the maximum millage rate calculation, but shall be added back to the maximum millage rate allowed after the roll back has been applied. A higher rate may be adopted only under the following conditions:*

1. *A rate of not more than 110 percent of the rolled-back rate based on the previous year's maximum millage rate, adjusted for growth in per capita Florida personal income, may be adopted if approved by a two-thirds vote of the governing body of the county, municipality, or independent district; or*

2. *A rate in excess of 110 percent may be adopted if approved by a unanimous vote of the governing body of the county, municipality, or independent district or if the rate is approved by a referendum.*

(b) *The millage rate of a county or municipality, municipal service taxing unit of that county, and any special district dependent to that county or municipality may exceed the maximum millage rate calculated pursuant to this subsection if the total county ad valorem taxes levied or total municipal ad valorem taxes levied do not exceed the maximum total county ad valorem taxes levied or maximum total municipal ad valorem taxes levied respectively. Voted millage and taxes levied by a municipality or independent special district that has levied ad valorem taxes for less than 5 years are not subject to this limitation. Total taxes levied may exceed the maximum calculated pursuant to subsection (6) as a result of an increase in taxable value above that certified in subsection (1) if such increase is less than the percentage amounts contained in subsection (6); however, if such increase in taxable value exceeds the percentage amounts contained in this subsection, millage rates subject to subsection (6), s. 200.185, or s. 200.186 must be reduced so that total taxes levied do not exceed the maximum.*

Any unit of government operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, which is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities and which exercises such powers in the unincorporated area shall be recognized as a municipality under this subsection.

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: providing an exception for calculating the rolled-back rate for certain counties; recognizing that certain governmental units are municipalities;

Senator Geller moved the following amendment which failed:

Amendment 3 (084450)(with title amendment)—On page 12, lines 19-31, delete those lines and insert: *rate is adopted by a two-thirds vote of the governing body of the county, municipality, or independent district, in which case the maximum is the adopted rate.*

And the title is amended as follows:

On page 1, lines 18 and 19, delete those lines and insert: of the taxing authority; providing certain exceptions to the

Senator Lawson moved the following amendments which failed:

Amendment 4 (473064)(with title amendment)—On page 17, lines 19-26, delete those lines and insert:

Section 4. Section 129.065, Florida Statutes, is created to read:

129.065 *Certain reductions in allocations prohibited.—*

(1) *A board of county commissioners may not reduce the amount it allocates for law enforcement services or firefighting services below the amount allocated for such services in the prior fiscal year.*

(2) *A county shall forfeit its distribution of the local government half-cent sales tax revenues during the 12 months following a vote taken in violation of this section.*

(3) *The Department of Revenue shall enforce compliance with this section.*

Section 5. Section 166.243, Florida Statutes, is created to read:

166.243 *Certain reductions in allocations prohibited.—*

(1) *The governing authority of a municipality may not reduce the amount it allocates for law enforcement services or firefighting services below the amount allocated for such services in the prior fiscal year.*

(2) *A municipality shall forfeit its distribution of the local government half-cent sales tax revenues during the 12 months following a vote taken in violation of this section.*

(3) *The Department of Revenue shall enforce compliance with this section.*

Section 6. Subsection (3) is added to section 218.63, Florida Statutes, to read:

218.63 *Participation requirements.—*

(3) *A county or municipality may not participate in the distribution of local government half-cent sales tax revenues during the 12 months following a determination of noncompliance by the Department of Revenue as provided in s. 200.065(13)(e), or following a violation of s. 129.065 with respect to a county or a violation of s. 166.243 with respect to a municipality.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, lines 11-15, delete those lines and insert: creating ss. 129.065 and 166.243, F.S.; prohibiting a board of county commissioners or the governing authority of a municipality from reducing the amount it allocates for law enforcement services or firefighting services below the amount allocated for such services in the prior fiscal year; providing that a county or municipality that violates such prohibition forfeits its distribution of the local government half-cent sales tax revenues; amending s. 218.63, F.S.; prohibiting a county or municipality from participating in the distribution of local government half-cent sales tax revenues if it levies taxes in excess of the maximum aggregate taxes permitted by law or reduces its allocation for law enforcement services or firefighting services;

Amendment 5 (774006)—On page 20, line 12, delete “and for which 1 mill will raise less than \$100 per capita”

Senators Margolis, Deutch, Atwater, Bullard and Rich offered the following amendment which was moved by Senator Margolis:

Amendment 6 (313492)(with title amendment)—On page 20, line 17 through page 21, line 21, delete those lines and insert:

(2)(a) *The maximum millage rate that a county, a municipal service taxing unit of that county, or a special district dependent to that county other than a dependent fire or library district, which would be treated as if it were an independent special district, may levy by a majority vote of the governing body for the 2007-2008 fiscal year shall be determined as follows:*

1. *For any county of special financial concern for which the compound annual growth rate in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was no more than 5 percent, 100 percent of the rolled-back rate, as calculated under s. 200.065;*

2. *For any county not included in subparagraph 1. for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was no more than 7 percent, or, notwithstanding subparagraphs 3., 4., and 5., any county that is a county of special financial concern not included in subparagraph 1., 97 percent of the rolled-back rate, as calculated under s. 200.065;*

3. *For any county for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 7 percent but no more than 9 percent, 95 percent of the rolled-back rate, as calculated under s. 200.065;*

4. *For any county for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 9 percent but no more than 11 percent, 93 percent of the rolled-back rate, as calculated under s. 200.065;*

5. *For any county for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 11 percent, 91 percent of the rolled-back rate, as calculated under s. 200.065;*

6. *For a county authorized to levy a county public hospital surtax under s. 212.055, the maximum millage rate shall exclude the revenues required to be contributed to the county public general hospital for the purposes of making the maximum millage rate calculation, but shall be added back to the maximum millage rate allowed after the applicable percentage of the rolled-back rate as provided in subparagraphs 1. through 5. has been applied; or*

7. *Any unit of government operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, which is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities and which exercises such powers in the unincorporated area shall be recognized as a municipality under this section.*

And the title is amended as follows:

On page 2, line 26, after the semicolon (;) insert: providing an exception for calculating the rolled-back rate for certain counties; providing that certain units of government are recognized as municipalities;

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following substitute amendment which was adopted:

Amendment 7 (152814)(with title amendment)—On page 20, line 17 through page 26, line 4, delete those lines and insert:

(2)(a) *The maximum millage rate that a county, a municipal service taxing unit of that county, or a special district dependent to that county may levy by a majority vote of the governing body for the 2007-2008 fiscal year shall be determined as follows:*

1. *For any county of special financial concern for which the compound annual growth rate in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year*

2006-2007 was no more than 5 percent, 100 percent of the rolled-back rate, as calculated under s. 200.065;

2. *For any county not included in subparagraph 1. for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was no more than 7 percent, or, notwithstanding subparagraphs 3., 4., and 5., any county that is a county of special financial concern not included in subparagraph 1., 97 percent of the rolled-back rate, as calculated under s. 200.065;*

3. *For any county for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 7 percent but no more than 9 percent, 95 percent of the rolled-back rate, as calculated under s. 200.065;*

4. *For any county for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 9 percent but no more than 11 percent, 93 percent of the rolled-back rate, as calculated under s. 200.065;*

5. *For any county for which the compound annual growth in total county ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 11 percent, 91 percent of the rolled-back rate, as calculated under s. 200.065; or*

6. *For a county authorized to levy a county public hospital surtax under s. 212.055, the maximum millage rate shall exclude the revenues required to be contributed to the county public general hospital for the purposes of making the maximum millage rate calculation, but shall be added back to the maximum millage rate allowed after the applicable percentage of the rolled-back rate as provided in subparagraphs 1. through 5. has been applied.*

(b) *The maximum millage rate that may be levied under paragraph (a) may be increased to:*

1. *The rolled-back rate, as calculated under s. 200.065, if approved by a two-thirds vote of the governing body of the county or special district dependent thereto; or*

2. *The nonvoted millage rate that was levied in the 2006-2007 fiscal year, if approved by a unanimous vote of the governing body of the county or special district dependent thereto.*

(c) *Upon approval of a maximum rate as provided in paragraph (b), a higher rate may be levied if approved by a referendum of the voters.*

(3)(a) *The maximum millage rate that a municipality or a special district dependent to a municipality may levy by a majority vote of the governing body for the 2007-2008 fiscal year shall be determined as follows:*

1. *For any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was no more than 6 percent, or, for a municipality that first levied ad valorem taxes in the 2002-2003 fiscal year, 100 percent of the rolled-back rate, as calculated under s. 200.065;*

2. *For any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 6 percent but no more than 7.5 percent, or, notwithstanding subparagraphs 3., 4., and 5., any municipality that is a municipality of special financial concern not included in subparagraph 1., 97 percent of the rolled-back rate, as calculated under s. 200.065;*

3. *For any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 7.5 percent but no more than 10.5 percent, 95 percent of the rolled-back rate, as calculated under s. 200.065;*

4. *For any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per*

capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 10.5 percent but no more than 12.4 percent, 93 percent of the rolled-back rate, as calculated under s. 200.065; or

5. For any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 12.4 percent, 91 percent of the rolled-back rate, as calculated under s. 200.065.

(b) The maximum millage rate that may be levied under paragraph (a) may be increased to:

1. The rolled-back rate, as calculated under s. 200.065, if approved by a two-thirds vote of the governing body of the municipality or special district dependent thereto; or

2. The nonvoted millage rate that was levied in the 2006-2007 fiscal year, if approved by a unanimous vote of the governing body of the municipality or special district dependent thereto.

(c) Upon approval of a maximum rate as provided in paragraph (b), a higher rate may be levied if approved by a referendum of the voters.

(4) The maximum millage rate that an independent special district may levy by a majority vote of the governing body for the 2007-2008 fiscal year is 97 percent of the rolled-back rate, as calculated under s. 200.065.

(a) The maximum millage rate specified in this subsection may be increased to the rolled-back rate if approved by a two-thirds vote of the governing body of the independent special district.

(b) The maximum millage rate specified in this subsection may be increased to the nonvoted millage rate that was levied in the 2006-2007 fiscal year, if approved by a unanimous vote of the governing body of the independent special district.

(c) Upon approval of a maximum rate in paragraph (b), a higher rate may be levied if approved by a referendum of the voters.

(5) In the 2008-2009 fiscal year, a county, municipal service taxing units of that county, and special districts dependent to that county; a municipality and special districts dependent to that municipality; and an independent special district may levy a maximum millage determined as follows:

(a) The maximum millage rate that may be levied shall be the rolled-back rate calculated pursuant to s. 200.065 and adjusted for growth in per capita Florida personal income, except that ad valorem tax revenue levied in the 2007-2008 fiscal year shall be reduced by any tax revenue resulting from a millage rate approved by a super majority vote of the governing board of the taxing authority in excess of the maximum rate that could have been levied by a majority vote as provided in this section. For a county authorized to levy a county public hospital surtax under s. 212.055, the maximum millage rate shall exclude the revenues required to be contributed to the county public general hospital for the purposes of making the maximum millage rate calculation, but shall be added back to the maximum millage rate allowed after the applicable percentage of the rolled-back rate as provided in subparagraphs (2)1. through 5. has been applied.

(b) A rate of not more than 110 percent of the rate in paragraph (a) may be levied if approved by a two-thirds vote of the governing body.

(c) A rate in excess of the millage rate allowed in paragraph (b) may be levied if approved by a unanimous vote of the governing body or if approved by a referendum of the voters.

(6) Any county or municipality that is in violation of this section shall forfeit the distribution of the local government half-cent sales tax revenues during the 12 months following a determination of noncompliance by the Department of Revenue, subject to the conditions provided in ss. 200.065 and 218.63.

(7) On or before July 13, 2007, the executive director of the Department of Revenue, after consultation with the Revenue Estimating Conference, shall determine and publish on the Department of Revenue's website and in the next available issue of the Florida Administrative Weekly the compound annual growth rate in per capita property tax levies for

each county and municipality, exclusive of voted levies, calculated from fiscal year 2001-2002 through fiscal year 2006-2007, based on the April 1 official population estimates of 2001 and 2006, respectively, for each jurisdiction pursuant to s. 186.901, exclusive of inmate and patient populations. The determination and publication made pursuant to this subsection is not subject to the provisions of chapter 120.

(8) The millage rate of a county or municipality, municipal service taxing unit of that county, and any special district dependent to that county or municipality may exceed in any year the maximum millage rate calculated pursuant to this section if the total county ad valorem taxes levied or total municipal ad valorem taxes levied, as defined in s. 200.001, do not exceed the maximum total county ad valorem taxes levied or maximum total municipal ad valorem taxes levied, as defined in s. 200.001, respectively. Voted millage, as defined in s. 200.001, and taxes levied by a municipality or independent special district that has levied ad valorem taxes for less than 5 years are not subject to the limitation on millage rates provided by this section. Total taxes levied may exceed the maximum calculated pursuant to this section as a result of an increase in taxable value above that certified in s. 200.065(1) if such increase is less than the percentage amounts contained in s. 200.065(6); however, if such increase in taxable value exceeds the percentage amounts contained in s. 200.065(6), millage rates subject to this section must be reduced so that total taxes levied do not exceed the maximum. Any unit of government operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, which is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities and which exercises such powers in the unincorporated area shall be recognized as a municipality under this section.

And the title is amended as follows:

On page 2, line 26, after the semicolon (;) insert: providing an exception for calculating the rolled-back rate for certain counties; providing that certain units of government are recognized as municipalities;

Senator Geller moved the following amendment which failed:

Amendment 8 (833622)(with title amendment)—On page 26, between lines 27 and 28, insert:

Section 12. (1) An Impact Fee Study Commission shall be created by October 1, 2007, for the purpose of determining the extent to which local governments attempt to balance their respective budgets by excessively increasing impact fees in response to implementing the provisions of this act, and to make recommendations for additional statutory provisions that should be taken to ensure that local governments do not balance their respective budgets by increasing impact fees to excessive levels.

(2) The commission shall be comprised of nine members, appointed as follows:

(a) Three members appointed by the Governor;

(b) Two members appointed by the President of the Senate;

(c) Two members appointed by the Speaker of the House of Representatives;

(d) One member appointed by the Minority Leader of the Senate; and

(e) One member appointed by the Minority Leader of the House of Representatives.

(3)(a) Members of the commission shall serve without compensation, but are entitled to reimbursement for per diem and travel expenses in accordance with s. 112.061, Florida Statutes.

(b) The Department of Revenue shall provide to the commission the necessary staff and administrative support.

(4) The commission shall hold three public meetings in three different geographical areas of the state and shall submit a final report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2008.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 11, after the semicolon (;) insert: creating the Impact Fee Study Commission for the purpose of determining the extent to which local governments attempt to balance their respective budgets by excessively increasing impact fees in response to the provisions of this act; providing for the appointment of members; providing for the members to serve without compensation but to be entitled to reimbursement for per diem and travel expenses; requiring the Department of Revenue to provide administrative support for the commission; requiring the commission to hold public meetings and submit recommendations to the Governor and the Legislature by a specified date;

SENATOR CARLTON PRESIDING

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which was adopted:

Amendment 9 (775798)—On page 13, line 20, delete “subsection (6)” and insert: *this subsection*

MOTION

On motion by Senator King, the rules were waived to allow the following amendment to be considered:

Senator King moved the following amendment which was adopted:

Amendment 10 (911562)—On page 12, line 29; on page 21, line 29; on page 23, line 17; on page 24, lines 2 and 26; and on page 55, line 15, after “governing body” insert: *, or a three-fourths vote if the governing body has nine or more members,*

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendment to be considered:

Senator Webster moved the following amendment which was adopted:

Amendment 11 (572482)—On page 22, lines 8-22, delete those lines and insert:

1. *For any municipality of special financial concern or any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was no more than 6 percent, or, for a municipality that first levied ad valorem taxes in the 2002-2003 fiscal year, 100 percent of the rolled-back rate, as calculated under s. 200.065;*

2. *For any municipality for which the compound annual growth in total municipal ad valorem taxes levied, as defined in s. 200.001, per capita from fiscal year 2001-2002 to fiscal year 2006-2007 was greater than 6 percent but no more than 7.5 percent, 97 percent of the rolled-back rate, as calculated under s. 200.065;*

MOTION

On motion by Senator Atwater, the rules were waived to allow the following amendment to be considered:

Senators Atwater and Saunders offered the following amendment which was moved by Senator Atwater and adopted:

Amendment 12 (110130)(with title amendment)—On page 24, between lines 6 and 7, insert:

(d) *For the purpose of calculating maximum millage rates for the 2007-2008 fiscal year under this section, municipal service taxing units and special districts dependent to a county or municipality, the predominant function of which is to provide emergency medical or fire rescue services, shall be considered independent special districts and shall not be included for purposes of calculating the maximum millage rate under subsection (2) or subsection (3).*

And the title is amended as follows:

On page 2, line 30, after the semicolon (;) insert: exempting the taxes levied by certain units of local government that provide emergency medical or fire rescue services from provisions limiting the maximum millage rate for the 2007-2008 fiscal year;

MOTION

On motion by Senator Webster, the rules were waived to allow the following amendments to be considered:

Senator Webster moved the following amendments which were adopted:

Amendment 13 (413820)(with title amendment)—On page 56, lines 15-30, delete those lines and insert:

Section 29. Subsection (6) and paragraph (a) of subsection (9) of section 196.011, Florida Statutes, are amended to read:

196.011 Annual application required for exemption.—

(6)(a) Once an original application for tax exemption has been granted, in each succeeding year on or before February 1, the property appraiser shall mail a renewal application to the applicant, and the property appraiser shall accept from each such applicant a renewal application on a form to be prescribed by the Department of Revenue. Such renewal application shall be accepted as evidence of exemption by the property appraiser unless he or she denies the application. Upon denial, the property appraiser shall serve, on or before July 1 of each year, a notice setting forth the grounds for denial on the applicant by first-class mail. Any applicant objecting to such denial may file a petition as provided for in s. 194.011(3).

(b) *Any person who is entitled to a homestead exemption in the prior year under s. 4(c), Art. VII of the State Constitution shall have the option to file an application for exemption under s. 6(a), Art. VII of the State Constitution no later than March 1 of each year. The renewal application shall advise the applicant of his or her option to make an irrevocable election to no longer have his or her homestead assessed under s. 4(c), Art. VII of the State Constitution. After the irrevocable election, the person's homestead shall be assessed under s. 6(a), Art. VII of the State Constitution.*

(9)(a) A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for exemption of property within the county after an initial application is made and the exemption granted. The waiver under this subsection of the annual application or statement requirement applies to all exemptions under this chapter except the exemption under s. 196.1995. Notwithstanding such waiver, refiling of an application or statement shall be required when any property granted an exemption is sold or otherwise disposed of, when the ownership changes in any manner, when the applicant for homestead exemption ceases to use the property as his or her homestead, or when the status of the owner changes so as to change the exempt status of the property, or when an irrevocable election is made to no longer have the homestead exemption under s. 4(c), Art. VII of the State Constitution and the homestead receives the exemption under s. 6(a), Art. VII of the State Constitution. In its deliberations on whether to waive the annual application or statement requirement, the governing body shall consider the possibility of fraudulent exemption claims which may occur due to the waiver of the annual application requirement. It is the duty of the owner of any property granted an exemption who is not required to file an annual application or statement to notify the property appraiser promptly whenever the use of the property or the status or condition of the owner changes so as to change the exempt status of the property. If any property owner fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner was not entitled to receive such exemption, the owner of the property is subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes exempted. Except for homestead exemptions controlled by s. 196.161, it is the duty of the property appraiser making such determination to record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes and penalties. Such lien when filed

shall attach to any property, identified in the notice of tax lien, owned by the person who illegally or improperly received the exemption. Should such person no longer own property in that county, but own property in some other county or counties in the state, it shall be the duty of the property appraiser to record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it shall become a lien against such property in such county or counties.

Section 30. Subsection (3) is added to section 196.111, Florida Statutes, to read:

196.111 Property appraisers may notify persons entitled to homestead exemption; publication of notice; costs.—

(3) *The notice mailed to any person whose property heretofore was entitled to a homestead exemption in the prior year pursuant to s. 4(c), Art. VII of the State Constitution shall also include the option to file an application to make an irrevocable election to no longer have his or her homestead assessed pursuant to s. 4(c), Art. VII of the State Constitution and to apply for homestead exemption pursuant to s. 6(a), Art. VII of the State Constitution, consistent with the requirements of s. 196.011(6)(b).*

Section 31. Section 195.022, Florida Statutes, is amended to read:

195.022 Forms to be prescribed by Department of Revenue.—The Department of Revenue shall prescribe all forms to be used by property appraisers, tax collectors, clerks of the circuit court, and value adjustment boards in administering and collecting ad valorem taxes. The department shall prescribe a form for each purpose. For counties with a population of 100,000 or fewer, the Department of Revenue shall furnish the forms. For counties with a population greater than 100,000, the county officer shall reproduce forms for distribution at the expense of his or her office. A county officer may use a form other than the form prescribed by the department upon obtaining written permission from the executive director of the department; however, no county officer shall use a form the substantive content of which is at variance with the form prescribed by the department for the same or a similar purpose. If the executive director finds good cause to grant such permission he or she may do so. The county officer may continue to use such approved form until the law which specifies the form is amended or repealed or until the officer receives written disapproval from the executive director. Otherwise, all such officers and their employees shall use the forms, and follow the instructions applicable to the forms, which are prescribed by the department. The department, upon request of any property appraiser or, in any event, at least once every 3 years, shall prescribe and furnish such aerial photographs and nonproperty ownership maps to the property appraisers as are necessary to ensure that all real property within the state is properly listed on the roll. All forms and maps furnished by the department shall be paid for by the department as provided by law. All forms and maps and instructions relating to their use shall be substantially uniform throughout the state. An officer may employ supplemental forms and maps, at the expense of his or her office, which he or she deems expedient for the purpose of administering and collecting ad valorem taxes. The forms required in ss. 193.461(3)(a) and 196.011(1) for renewal purposes shall require sufficient information for the property appraiser to evaluate the changes in use since the prior year. *The form required in s. 193.155(2) for election to retain benefits under s. 27, Art. XII of the State Constitution shall be adopted by the department.* If the property appraiser determines, in the case of a taxpayer, that he or she has insufficient current information upon which to approve the exemption, or if the information on the renewal form is inadequate for him or her to evaluate the taxable status of the property, he or she may require the resubmission of an original application.

Section 32. *Transitional assessment of homestead property; effective date.—*

(1) *Each person entitled to a homestead exemption under Section 6 of Article VII of the State Constitution shall continue to have his or her current homestead assessed under Section 4(c) of Article VII of the State Constitution until the person makes an irrevocable election to no longer have his or her homestead assessed under Section 4(c) of Article VII of the State Constitution. After the irrevocable election is made, the homestead may not be assessed under Section 4(c) of Article VII of the State Constitution.*

(2) *The exemption provided in Section 6(a) of Article VII of the State Constitution to each person entitled to have the person's homestead as-*

essed under Section 4(c) of Article VII of the State Constitution pursuant to subsection (1) shall be limited to the exemption the person would have been entitled to under Section 6(a)-(d) of Article VII of the State Constitution as it existed on the day before the effective date of this section.

Section 33. *If any law that is amended by this act was also amended by a law enacted during the 2007 Regular Session or any 2007 special session of the Legislature, such laws shall be construed as if they had been enacted during the same session of the Legislature, and full effect should be given to each if that is possible.*

Section 34. Except as otherwise expressly provided in this act, this act and section 33 of this act shall take effect upon becoming a law, sections 13 through 32 of this act shall take effect only upon the effective date of amendments to the State Constitution contained in Senate Joint Resolution 4B or House Joint Resolution 3B revising the homestead tax exemption and providing an exemption from ad valorem taxation for tangible personal property and property used for workforce and affordable rental housing, and sections 13 through 32 of this act shall apply retroactively to the 2008 tax roll.

And the title is amended as follows:

On page 6, line 26, after the semicolon (;) insert: amending ss. 196.011 and 196.111, F.S.; providing a procedure by which a person may make an irrevocable election to have his or her homestead assessed under s. 6(a), Art. VII of the State Constitution rather than under s. 4(c), Art. VII of the State Constitution; requiring the property appraisers to provide notice of such option by mail; amending s. 195.022, F.S.; requiring the Department of Revenue to adopt a form by rule; providing for the transition of assessments of homestead property;

Amendment 14 (972484)(with title amendment)—On page 54, line 10 through page 56, line 8, delete those lines and insert:

Section 28. Section 200.186, Florida Statutes, is created to read:

200.186 *Maximum millage rates for the 2008-2009 fiscal year.—*

(1) *In the 2008-2009 fiscal year, a county, municipal service taxing units of that county, and special districts dependent to that county; a municipality and special districts dependent to that municipality; and an independent special district may levy a maximum millage that is determined as follows:*

(a) *The maximum millage rate shall be the rolled-back rate calculated pursuant to s. 200.065 and adjusted for growth in per capita Florida personal income, except that:*

1. *Ad valorem tax revenue levied in the 2007-2008 fiscal year, as used in the calculation of the rolled-back rate, shall be reduced by any tax revenue resulting from a millage rate approved by a super majority vote of the governing board of the taxing authority in excess of the maximum rate that could have been levied by a majority vote as provided in s. 200.185; and*

2. *The taxable value within the jurisdiction of each taxing authority, as used in the calculation of the rolled-back rate, shall be increased by the amount necessary to offset any reduction in taxable value occurring as a result of the amendments to the State Constitution contained in SJR 4B or HJR 3B revising the homestead tax exemption and providing an exemption from ad valorem taxation for tangible personal property. The maximum millage rate applicable to a county authorized to levy a county public hospital surtax under s. 212.055 shall exclude the revenues required to be contributed to the county public general hospital for the purposes of making the maximum millage rate calculation, but shall be added back to the maximum millage rate allowed after the roll back has been applied.*

a. *A rate of not more than 110 percent of the rolled-back rate based on the previous year's maximum millage rate, adjusted for growth in per capita Florida personal income, may be adopted if approved by a two-thirds vote of the governing body of the county, municipality, or independent district; or*

b. *A rate in excess of 110 percent may be adopted if approved by a unanimous vote of the governing body of the county, municipality, or independent district or if the rate is approved by a referendum.*

(b) If approved by a two-thirds vote of the governing body, a rate may be levied in excess of the rate calculated pursuant to paragraph (a) if the excess is not more than 67 percent of the difference between the rolled-back rate calculated pursuant to s. 200.065, and the rate calculated in paragraph (a).

(c) A rate may be levied in excess of the millage rate allowed in paragraph (b) if the rate is approved by a unanimous vote of the governing body or if approved by a referendum of the voters.

(2) Any county or municipality that is in violation of this section shall forfeit the distribution of the local government half-cent sales tax revenues during the 12 months following a determination of noncompliance by the Department of Revenue, subject to the conditions provided in ss. 200.065 and 218.63.

(3) The millage rate of a county or municipality, municipal service taxing unit of that county, and any special district dependent to that county or municipality may exceed in any year the maximum millage rate calculated pursuant to this section if the total county ad valorem taxes levied or total municipal ad valorem taxes levied, as defined in s. 200.001, do not exceed the maximum total county ad valorem taxes levied or maximum total municipal ad valorem taxes levied, as defined in s. 200.001, respectively. Total taxes levied may exceed the maximum calculated pursuant to this section as a result of an increase in taxable value above that certified in s. 200.065(1) if such increase is less than the percentage amounts contained in s. 200.065(6); however, if such increase in taxable value exceeds the percentage amounts contained in s. 200.065(6), millage rates subject to this section must be reduced so that total taxes levied do not exceed the maximum. Any unit of government operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution of 1968, which is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities and which exercises such powers in the unincorporated area shall be recognized as a municipality under this section.

And the title is amended as follows:

On page 6, line 24, after the semicolon (;) insert: providing an exception for calculating the rolled-back rate for certain counties; providing that certain units of government are recognized as municipalities;

Senator Haridopolos moved the following amendments which were adopted:

Amendment 15 (660636)—On page 14, line 29 through page 16, line 27, delete those lines and insert:

(d) If any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of subsection (5), s. 200.185, or s. 200.186 because total county or municipal ad valorem taxes exceeded the maximum total county or municipal ad valorem taxes, respectively, that county or municipality shall forfeit the distribution of local government half-cent sales tax revenues during the 12 months following a determination of noncompliance by the Department of Revenue as described in s. 218.63(3) and this subsection. If the executive director of the Department of Revenue determines that any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county is in violation of subsection (5), s. 200.185, or s. 200.186, the Department of Revenue and the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county shall follow the procedures set forth in this paragraph or paragraph (e). During the pendency of any procedure under paragraph (e) or any administrative or judicial action to challenge any action taken under this subsection, the tax collector shall hold in escrow any revenues collected by the noncomplying county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county in excess of the amount allowed by subsection (5), s. 200.185, or s. 200.186, as determined by the executive director. Such revenues shall be held in escrow until the process required by paragraph (e) is completed and approved by the department. The department shall direct the tax collector to so hold such funds. If the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county remedies the noncompliance, any moneys collected in excess of the new levy or in excess of the amount allowed by subsection (5), s. 200.185, or s. 200.186 shall be held in reserve

until the subsequent fiscal year and shall then be used to reduce ad valorem taxes otherwise necessary. If the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county does not remedy the noncompliance, the provisions of s. 218.63 shall apply.

(e) The following procedures shall be followed when the executive director notifies any county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county that he or she has determined that such taxing authority is in violation of subsection (5), s. 200.185, or s. 200.186:

1. Within 30 days after the deadline for certification of compliance required by s. 200.068, the executive director shall notify any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county of his or her determination regarding subsection (5), s. 200.185, or s. 200.186 and that such taxing authority is subject to subparagraph 2.

2. Any taxing authority so noticed by the executive director shall repeat the hearing and notice process required by paragraph (2)(d), except that:

a. The advertisement shall appear within 15 days after notice from the executive director.

b. The advertisement, in addition to meeting the requirements of subsection (3), must contain the following statement in boldfaced type immediately after the heading:

THE PREVIOUS NOTICE PLACED BY THE ... (name of taxing authority) ... HAS BEEN DETERMINED BY THE DEPARTMENT OF REVENUE TO BE IN VIOLATION OF THE LAW, NECESSITATING THIS SECOND NOTICE.

c. The millage newly adopted at such hearing shall not be forwarded to the tax collector or property appraiser and may not exceed the rate previously adopted or the amount allowed by subsection (5), s. 200.185, or s. 200.186. Each taxing authority provided notice pursuant to this paragraph shall recertify compliance with this chapter as provided in s. 200.065 within 15 days after the adoption of a millage at such hearing.

d. The determination of the executive director shall be superseded if the executive director determines that the county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county has remedied the noncompliance. Such noncompliance shall be determined to be remedied if any such taxing authority provided notice by the executive director pursuant to this paragraph adopt a new millage that does not exceed the maximum millage allowed for such taxing authority under paragraph (5)(a), s. 200.185(1)-(5), or s. 200.186(1), or if any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county adopts a lower millage sufficient to reduce the total taxes levied such that total taxes levied do not exceed the maximum as provided in paragraph (5)(b), s. 200.185(8), or s. 200.186(3).

e. If any such county or municipality, dependent special district of such county or municipality, or municipal service taxing unit of such county has not remedied the noncompliance or recertified compliance with this chapter as provided in this paragraph, and the executive director determines that the noncompliance has not been remedied or compliance has not been recertified, the county or municipality shall forfeit the distribution of local government half-cent sales tax revenues during the 12 months following a determination of noncompliance by the Department of Revenue as described in s. 218.63(2) and (3) and this subsection.

f. The determination of the executive director is not subject to chapter 120.

Amendment 16 (375818)—On page 25, lines 3-7, delete those lines, and insert:

(7) On or before June 25, 2007, the executive director of the Department of Revenue shall notify each property appraiser and the chair of the governing body of each county and municipality of the amount of the tax levies that will be used to calculate each jurisdiction's compound annual growth rate as determined in this subsection. On or before July 2, 2007, each property appraiser and the chair of each such governing body, or their designee, shall report to the executive director whether the informa-

tion that was provided is correct and, if incorrect, provide corrected information along with the basis for any correction. The Governor may consider failure to report as required in this subsection as sufficient grounds to constitute malfeasance or neglect of duty by any person required to report under this subsection. On or before July 13, 2007, the executive director of the Department of Revenue, after consultation with the Revenue Estimating Conference, shall determine and publish on the Department of Revenue's website the compound annual

Amendment 17 (804866)—On page 26, line 27, after “under” insert: s. 218.23, Florida Statutes, or

THE PRESIDENT PRESIDING

On motion by Senator Geller, by two-thirds vote **SB 2-B** as amended was read the third time by title. Further consideration was deferred.

RECESS

On motion by Senator King, the Senate recessed at 2:24 p.m. to reconvene at 2:45 p.m.

CALL TO ORDER

The Senate was called to order by the President at 2:45 p.m. A quorum present.

SPECIAL ORDER CALENDAR, continued

On motion by Senator Constantine, by two-thirds vote **HB 5-B** was withdrawn from the Committee on Finance and Tax.

On motion by Senator Constantine, by two-thirds vote—

HB 5-B—A bill to be entitled An act relating to a special election; providing for a special election to be held January 29, 2008, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of this state of amendments to the State Constitution, proposed by joint resolution, relating to a tangible personal property tax exemption, homestead property assessments, assessment of rent-restricted affordable housing and commercial and public-access waterfront property, increased homestead exemption, limiting local government authority to increase ad valorem taxes, and transitional homestead property assessments; providing for publication of notice and for procedures; providing an appropriation; providing a contingent effective date.

—a companion measure, was substituted for **SB 6-B** and by two-thirds vote read the second time by title. On motion by Senator Constantine, by two-thirds vote **HB 5-B** was read the third time by title, passed by the required constitutional three-fourths vote of the membership and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Fasano	Margolis
Alexander	Gaetz	Oelrich
Aronberg	Garcia	Peaden
Baker	Geller	Posey
Bennett	Haridopolos	Rich
Bullard	Hill	Ring
Carlton	Jones	Saunders
Constantine	Joyner	Siplin
Crist	Justice	Storms
Deutch	King	Villalobos
Diaz de la Portilla	Lawson	Webster
Dockery	Lynn	Wise

Nays—None

Vote after roll call:

Yea—Atwater

RECESS

By direction of the President, the Senate recessed at 3:02 p.m. to reconvene upon call of the President.

CALL TO ORDER

The Senate was called to order by the President at 4:11 p.m. A quorum present—37:

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of **SB 2-B** which was previously considered and amended this day.

Pending further consideration of **SB 2-B** as amended, on motion by Senator Webster, by two-thirds vote **HB 1-B** was withdrawn from the Committee on Finance and Tax.

On motion by Senator Webster, by two-thirds vote—

HB 1-B—A bill to be entitled An act relating to ad valorem taxation; amending s. 200.001, F.S.; providing definitions for purposes of provisions governing the fixing of millage rates; amending s. 200.065, F.S.; revising the method for computing the rolled-back rate; providing that the rolled-back rate excludes the amount paid or applied as a consequence of an obligation measured by the dedicated increment value; requiring that the property appraiser provide instructions to the taxing authorities for computing the maximum millage rate; revising the method of calculating the maximum millage rate beginning in the 2009-2010 fiscal year; providing an exception for calculating the rolled-back rate for certain counties; recognizing that certain governmental units are municipalities; providing for higher millage rates if adopted by certain required votes of the governing body of the taxing authority or approved by referendum; providing certain exceptions to the limitations on millage rates; providing that a county or municipality is subject to forfeiture of the distribution of the local government half-cent sales tax revenues for 12 months if it or its municipal service taxing units or dependent special districts do not comply with provisions limiting maximum millage rates; requiring the tax collector to hold revenues in escrow during the pendency of any procedure to correct a millage rate or any administrative or judicial challenge to such forfeiture; specifying procedures that a county or municipality, special district dependent thereto, or municipal service taxing unit must follow if it fails to remedy such noncompliance; requiring that the taxing authority repeat its hearing and notice process with respect to preparing a budget and setting millage rates; amending s. 200.068, F.S.; requiring each taxing authority to include calculations upon which maximum millage rates are based in the certification of value; amending s. 218.63, F.S.; prohibiting a county or municipality that levies taxes in excess of the maximum aggregate taxes permitted by law from participating in the distribution of local government half-cent sales tax revenues; amending ss. 193.1142, 194.037, and 1011.71, F.S., relating to approval of the assessment rolls, disclosure of tax impact, and school district taxes; conforming cross-references; creating s. 200.185, F.S.; providing definitions; specifying the maximum millage rates that a county, municipal service taxing unit, municipality, dependent district, or independent district may levy for the 2007-2008 fiscal year based on per capita growth in ad valorem taxes; providing an exception for calculating the rolled-back rate for certain counties; providing that certain units of government are recognized as municipalities; requiring the Department of Revenue to notify property appraisers and county and municipal governing bodies of tax levies used to calculate certain compound annual growth rates; specifying reporting duties of property appraisers and governing bodies; authorizing the Governor to consider reporting failures as grounds constituting malfeasance or neglect of duty; requiring the Department of Revenue to calculate, in consultation with the Revenue Estimating Conference, and publish the annual growth rate in per capita ad valorem taxes for

each taxing authority; providing certain exceptions to the limitations on maximum millage rates; authorizing the Department of Revenue to adopt emergency rules; authorizing the executive director of the Department of Revenue to extend the time specified in law or rule for a local government to adopt its millage rate and budget for the 2007 calendar year; providing an optional method by which a county or municipality may determine fiscal hardship for purposes of a reduction or waiver of processing fees and may be eligible for a road assistance program; repealing s. 3, ch. 2006-311, Laws of Florida, relating to provisions requiring the Department of Revenue to conduct a study of the state's property tax structure and analyze the current homestead exemptions and homestead assessment limitations; amending ss. 193.155 and 193.1551, F.S.; revising the method of calculating homestead assessments pursuant to amendments to the State Constitution; limiting the continued applicability of certain assessment criteria provided under the State Constitution; amending s. 196.031, F.S.; revising the exemption from taxation provided for homesteads; specifying the amount of the exemption based on just value; providing that a owner of property is entitled to an alternative exemption under certain circumstances; deleting certain obsolete provisions; deleting a requirement that each property appraiser compile a list of properties removed from the assessment roll of the school district as a result of exempt value; amending s. 196.002, F.S.; revising certain reporting requirements for the property appraiser in order to conform to changes made by the act; amending s. 197.252, F.S., relating to the homestead tax deferral; conforming provisions to changes made by the act; creating s. 196.183, F.S.; exempting each tangible personal property tax return from a specified amount of assessed value; limiting a single business operation within a county to one exemption; providing a procedure for waiving the requirement to file an annual tangible personal property tax return if the taxpayer is entitled to the exemption; requiring the Department of Revenue to prescribe a form; providing penalties for failure to file a return as required or to claim more exemptions than allowed; providing that the exemption does not apply to mobile homes; amending s. 193.017, F.S.; revising provisions providing for the assessment of property receiving the low-income housing tax credit; providing for the assessment of structural improvements on land owned by a community land trust and used to provide affordable housing; defining the term "community land trust"; providing for the conveyance of structural improvements, subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement; creating s. 193.803, F.S.; providing for the assessment of rental property used for workforce housing or affordable housing; authorizing a property owner to appeal a denial of eligibility to the value adjustment board; requiring that a property owner file an application for such classification with the property appraiser or file a petition with the value adjustment board; providing a fee for filing a petition; providing for reapplication to be made on a short form provided by the Department of Revenue; defining the term "extenuating circumstances" for purposes of granting a classification for January 1, 2008; specifying the types of property that are eligible to be classified as workforce rental housing or affordable rental housing; requiring that property be removed from such classification if its use or program eligibility changes; providing the methodologies for assessing workforce rental housing and affordable rental housing; requiring that the property owner annually provide a rent roll and income and expense statement to the property appraiser for the preceding year; authorizing the property appraiser to base the assessment on the best available information if the property owner fails to provide the rent roll and statement; providing for a tax lien to be filed against property that is misclassified as workforce rental housing or affordable rental housing within a specified period; amending ss. 196.1978, 192.0105, 193.052, 193.461, 194.011, 195.073, and 195.096, F.S., relating to the affordable housing property exemption, taxpayer rights, the preparation and serving of returns, assessments involving agricultural lands, assessment notices and objections, the classification of property, and the review of assessment rolls; conforming provisions to changes made by the act; creating s. 200.186, F.S.; specifying a formula for counties, municipalities, municipal service taxing units, dependent districts, and independent districts to determine a maximum millage rate for the 2008-2009 fiscal year; providing that a taxing authority in violation of such provision forfeits its local government half-cent sales tax revenues; providing certain exceptions to the limitations on millage rates; providing an exception for calculating the rolled-back rate for certain counties; providing that certain units of government are recognized as municipalities; providing that certain provisions of the act apply retroactively; amending ss. 196.011 and 196.111, F.S.; providing a procedure by which a person may make an irrevocable election to have his or her homestead assessed under s. 6(a), Art. VII of the State Constitution rather than under s. 4(c), Art. VII of the State Constitution; requiring the property

appraisers to provide notice of such option by mail; amending s. 195.022, F.S.; requiring the Department of Revenue to adopt a form by rule; providing for transitional assessments of homestead property; providing for construction of the act in pari materia with laws enacted during the 2007 Regular Session or any 2007 special session of the Legislature; providing effective dates, one of which is contingent.

—a companion measure, was substituted for **SB 2-B** as amended and by two-thirds vote read the second time by title. On motion by Senator Webster, by two-thirds vote **HB 1-B** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Fasano	Oelrich
Alexander	Gaetz	Peaden
Aronberg	Garcia	Posey
Atwater	Geller	Rich
Baker	Haridopolos	Ring
Bennett	Hill	Saunders
Bullard	Jones	Siplin
Carlton	Joyner	Storms
Constantine	Justice	Villalobos
Crist	King	Webster
Deutch	Lawson	Wise
Diaz de la Portilla	Lynn	
Dockery	Margolis	

Nays—None

RECESS

By direction of the President the Senate recessed at 4:16 p.m. to reconvene upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 5:31 p.m. A quorum present—32:

Mr. President	Dockery	Lynn
Aronberg	Gaetz	Margolis
Atwater	Garcia	Oelrich
Baker	Geller	Peaden
Bennett	Haridopolos	Posey
Bullard	Hill	Rich
Carlton	Jones	Ring
Constantine	Joyner	Siplin
Crist	Justice	Storms
Deutch	King	Webster
Diaz de la Portilla	Lawson	

REPORTS OF COMMITTEES

The following bills were established as the Special Order Calendar for Thursday, June 14, 2007: **SB 2-B**, **SJR 4-B**, **SB 6-B**

The Committee on Finance and Tax recommends the following pass: **SB 2-B**; **SJR 4-B**; **SB 6-B**

The bills were placed on the calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed as amended **HB 1-B**; has passed by the required Constitutional three-fourths vote of the membership **HB 5-B** and requests the concurrence of the Senate.

William S. Pittman III, Chief Clerk

By Representative Attkisson—

HB 1-B—A bill to be entitled An act relating to ad valorem taxation; amending s. 200.001, F.S.; providing definitions for purposes of provisions governing the fixing of millage rates; amending s. 200.065, F.S.; revising the method for computing the rolled-back rate; providing that the rolled-back rate excludes the amount paid or applied as a consequence of an obligation measured by the dedicated increment value; requiring that the property appraiser provide instructions to the taxing authorities for computing the maximum millage rate; revising the method of calculating the maximum millage rate beginning in the 2009-2010 fiscal year; providing an exception for calculating the rolled-back rate for certain counties; recognizing that certain governmental units are municipalities; providing for higher millage rates if adopted by certain required votes of the governing body of the taxing authority or approved by referendum; providing certain exceptions to the limitations on millage rates; providing that a county or municipality is subject to forfeiture of the distribution of the local government half-cent sales tax revenues for 12 months if it or its municipal service taxing units or dependent special districts do not comply with provisions limiting maximum millage rates; requiring the tax collector to hold revenues in escrow during the pendency of any procedure to correct a millage rate or any administrative or judicial challenge to such forfeiture; specifying procedures that a county or municipality, special district dependent thereto, or municipal service taxing unit must follow if it fails to remedy such noncompliance; requiring that the taxing authority repeat its hearing and notice process with respect to preparing a budget and setting millage rates; amending s. 200.068, F.S.; requiring each taxing authority to include calculations upon which maximum millage rates are based in the certification of value; amending s. 218.63, F.S.; prohibiting a county or municipality that levies taxes in excess of the maximum aggregate taxes permitted by law from participating in the distribution of local government half-cent sales tax revenues; amending ss. 193.1142, 194.037, and 1011.71, F.S., relating to approval of the assessment rolls, disclosure of tax impact, and school district taxes; conforming cross-references; creating s. 200.185, F.S.; providing definitions; specifying the maximum millage rates that a county, municipal service taxing unit, municipality, dependent district, or independent district may levy for the 2007-2008 fiscal year based on per capita growth in ad valorem taxes; providing an exception for calculating the rolled-back rate for certain counties; providing that certain units of government are recognized as municipalities; requiring the Department of Revenue to notify property appraisers and county and municipal governing bodies of tax levies used to calculate certain compound annual growth rates; specifying reporting duties of property appraisers and governing bodies; authorizing the Governor to consider reporting failures as grounds constituting malfeasance or neglect of duty; requiring the Department of Revenue to calculate, in consultation with the Revenue Estimating Conference, and publish the annual growth rate in per capita ad valorem taxes for each taxing authority; providing certain exceptions to the limitations on maximum millage rates; authorizing the Department of Revenue to adopt emergency rules; authorizing the executive director of the Department of Revenue to extend the time specified in law or rule for a local government to adopt its millage rate and budget for the 2007 calendar year; providing an optional method by which a county or municipality may determine fiscal hardship for purposes of a reduction or waiver of processing fees and may be eligible for a road assistance program; repealing s. 3, ch. 2006-311, Laws of Florida, relating to provisions requiring the Department of Revenue to conduct a study of the state's property tax structure and analyze the current homestead exemptions and homestead assessment limitations; amending ss. 193.155 and 193.1551, F.S.; revising the method of calculating homestead assessments pursuant to amendments to the State Constitution; limiting the continued applicability of certain assessment criteria provided under the State Constitution; amending s. 196.031, F.S.; revising the exemption from taxation provided for homesteads; specifying the amount of the exemption based on just value; providing that a owner of property is entitled to an alternative exemption under certain circumstances; deleting certain obsolete provisions; deleting a requirement that each property appraiser compile a list of properties removed from the assessment roll of the school district as a result of exempt value; amending s. 196.002, F.S.; revising certain reporting requirements for the property appraiser in order to conform to changes made by the act; amending s. 197.252, F.S., relating to the homestead tax deferral; conforming provisions to changes made by the

act; creating s. 196.183, F.S.; exempting each tangible personal property tax return from a specified amount of assessed value; limiting a single business operation within a county to one exemption; providing a procedure for waiving the requirement to file an annual tangible personal property tax return if the taxpayer is entitled to the exemption; requiring the Department of Revenue to prescribe a form; providing penalties for failure to file a return as required or to claim more exemptions than allowed; providing that the exemption does not apply to mobile homes; amending s. 193.017, F.S.; revising provisions providing for the assessment of property receiving the low-income housing tax credit; providing for the assessment of structural improvements on land owned by a community land trust and used to provide affordable housing; defining the term "community land trust"; providing for the conveyance of structural improvements, subject to certain conditions; specifying the criteria to be used in arriving at just valuation of a structural improvement; creating s. 193.803, F.S.; providing for the assessment of rental property used for workforce housing or affordable housing; authorizing a property owner to appeal a denial of eligibility to the value adjustment board; requiring that a property owner file an application for such classification with the property appraiser or file a petition with the value adjustment board; providing a fee for filing a petition; providing for reapplication to be made on a short form provided by the Department of Revenue; defining the term "extenuating circumstances" for purposes of granting a classification for January 1, 2008; specifying the types of property that are eligible to be classified as workforce rental housing or affordable rental housing; requiring that property be removed from such classification if its use or program eligibility changes; providing the methodologies for assessing workforce rental housing and affordable rental housing; requiring that the property owner annually provide a rent roll and income and expense statement to the property appraiser for the preceding year; authorizing the property appraiser to base the assessment on the best available information if the property owner fails to provide the rent roll and statement; providing for a tax lien to be filed against property that is misclassified as workforce rental housing or affordable rental housing within a specified period; amending ss. 196.1978, 192.0105, 193.052, 193.461, 194.011, 195.073, and 195.096, F.S., relating to the affordable housing property exemption, taxpayer rights, the preparation and serving of returns, assessments involving agricultural lands, assessment notices and objections, the classification of property, and the review of assessment rolls; conforming provisions to changes made by the act; creating s. 200.186, F.S.; specifying a formula for counties, municipalities, municipal service taxing units, dependent districts, and independent districts to determine a maximum millage rate for the 2008-2009 fiscal year; providing that a taxing authority in violation of such provision forfeits its local government half-cent sales tax revenues; providing certain exceptions to the limitations on millage rates; providing an exception for calculating the rolled-back rate for certain counties; providing that certain units of government are recognized as municipalities; providing that certain provisions of the act apply retroactively; amending ss. 196.011 and 196.111, F.S.; providing a procedure by which a person may make an irrevocable election to have his or her homestead assessed under s. 6(a), Art. VII of the State Constitution rather than under s. 4(c), Art. VII of the State Constitution; requiring the property appraisers to provide notice of such option by mail; amending s. 195.022, F.S.; requiring the Department of Revenue to adopt a form by rule; providing for transitional assessments of homestead property; providing for construction of the act in pari materia with laws enacted during the 2007 Regular Session or any 2007 special session of the Legislature; providing effective dates, one of which is contingent.

—was referred to the Committee on Finance and Tax.

By Representative Rivera—

HB 5-B—A bill to be entitled An act relating to a special election; providing for a special election to be held January 29, 2008, pursuant to Section 5 of Article XI of the State Constitution, for the approval or rejection by the electors of this state of amendments to the State Constitution, proposed by joint resolution, relating to a tangible personal property tax exemption, homestead property assessments, assessment of rent-restricted affordable housing and commercial and public-access waterfront property, increased homestead exemption, limiting local government authority to increase ad valorem taxes, and transitional homestead property assessments; providing for publication of notice and for procedures; providing an appropriation; providing a contingent effective date.

—was referred to the Committee on Finance and Tax.

RETURNING MESSAGES—FINAL ACTION

The Honorable Ken Pruitt, President

I am directed to inform the Senate that the House of Representatives has passed SJR 4-B by the required Constitutional three-fifths vote of the membership.

William S. Pittman III, Chief Clerk

The bill contained in the foregoing message was ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 12 was corrected and approved.

CO-INTRODUCERS

Senators Aronberg—SB 2-B; Peaden—SB 2-B; Storms—SJR 8-B, SB 10-B, SJR 12-B

ADJOURNMENT

On motion by Senator King, the Senate in Special Session adjourned sine die at 6:00 p.m.